

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>CHELSEA WILLIAMS and NICHOLAS WILLIAMS,</b>	:	
	:	
	:	
<b>Plaintiffs,</b>	:	
<b>v.</b>	:	<b>3:13-CV-02945</b>
	:	<b>(JUDGE MARIANI)</b>
<b>JOHN GILGALLON, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

**ORDER**

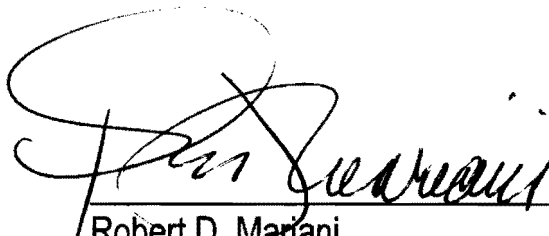
**AND NOW, THIS 17TH DAY OF MAY, 2016**, upon consideration of Defendant Argenta and the Borough of Olyphant's Motion for Summary Judgment (Doc. 70), **IT IS HEREBY ORDERED THAT:**

1. Defendants' Motion (Doc. 70) is **GRANTED IN PART** and **DENIED IN PART**, to wit:
  - a. With respect to Plaintiffs' § 1983 claims against Defendant Argenta (Counts I and II),<sup>1</sup> the Defendants' Motion is **DENIED**.
  - b. With respect to Plaintiffs' § 1983 claims against the Borough of Olyphant (Counts VII and VIII), Defendants' Motion is **GRANTED**.
  - c. With respect to Chelsea Williams's claim for Abuse of Process in Count IX of the Second Amended Complaint (Doc. 54), Defendants' Motion is **DENIED AS MOOT**.

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<sup>1</sup> All references to "Counts" are to the claims set forth in the Third Amended Complaint (Doc. 95) unless otherwise specified.

- d. With respect to Chelsea Williams's claim for Intentional Infliction of Emotional Distress (Count X), the Defendants' Motion is **GRANTED** as to Defendant Argenta and **DENIED AS MOOT** as to the Borough of Olyphant.
  - e. With respect to the Plaintiffs' state law claims for assault and battery (Counts XI and XII), the Defendants' Motion is **DENIED**.
  - f. With respect to the Plaintiffs' state law claims for loss of consortium (Counts XIII and XIV), the Defendants' Motion is **GRANTED** as to the Borough of Olyphant and **DENIED** as to Defendant Argenta.
- 2. The following claims remain pending against Defendant Argenta: Count I, Count II, Count IX, Count XI, Count XII, Count XIII, and Count XIV.
  - 3. Judgment is **HEREBY ENTERED** in favor of the Borough of Olyphant.
  - 4. A telephone scheduling conference **SHALL BE CONDUCTED** on **Tuesday, May 31, 2016 at 2:00 p.m.** for purposes of scheduling this matter for trial. Counsel for the Plaintiff is responsible for arranging the call to Chambers at (570) 207-5750 and all participants should be prepared to proceed before the undersigned is contacted.

  
Robert D. Mariani  
United States District Judge